

**Meeting Summary**  
**Agricultural Burning Rule Advisory Committee**  
**March 16, 2005**

<b><u>Members Present</u></b>	<b><u>Representing</u></b>
Cindy Thompson	American Lung Association
Bob Gore	Department of Agriculture
Bill Johnston	WSU- Crop & Soil Sciences
Mike Ingham	Alfalfa Seed Growers
Jay Penner	Wheat Growers
Dave Lauer	Clean Air Authorities (BCAA)
John Cornwall	Grass Growers
Jeff Schibel	Irrigated Grower Perspective
Karen Wood- Sub for Grant Pfeifer	Department of Ecology
Larry Cochran	Washington Conservation Districts
Rachael Osborn	Save our Summers
<b><u>Members Absent</u></b>	
Michael Bush	WSU- Extension
Sally Liu	Public Health

**Ecology Rule Development Staff:**

- Sarah Rees - Supervisor, Air Quality Program, HQ
- Melissa McEachron - Rule Development Lead, Air Quality Program ,HQ

**Introductions, Agenda Review, and Announcements**

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Meeting #1 of the Agricultural Burning Rule Advisory Committee (Committee) was held in Spokane at the Department of Transportation Office on March 16, 2005.

Sarah Rees, Program Development Section Supervisor, opened the meeting by introducing herself followed by Advisory Committee member introductions.

Sarah briefed the group on the role of advisory committees in rule development and her expectations of this group for this rule development effort. Committee members reviewed and asked several preliminary questions about the rule-making process itself. There was enough interest in this topic to add it to the agenda in the afternoon.

**Discussion - How is the Agricultural Burning Program Working?**

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Sarah introduced the main topic with a historical look at the Agricultural Burning Program beginnings and ending with what the program looks like today. Committee members asked questions and requested a few documents for reference including: the Settlement Agreement

(Save Our Summers and Ecology) and the Memorandum of Agreement (Washington Association of Wheat Growers, Ecology, and Department of Agriculture).

The Committee members and, later, audience members (particularly delegated authorities) discussed how the Agricultural Burning Program is working for them and then identified several areas where changes to the rule might be useful. The following is the list of **further discussion** topics as recorded on flipcharts at the meeting.

- **Define exemptions better:**
  - Spot Burn - define? Include?
  - Bale Burns - large broken [i.e. pushed in a huge pile]
  - Harrow Dumps - define?
  - Orchards
  - Vineyards
  - Other non-cereal
  - Disease Control
  - Fence Row; Ditches
  - Special circumstances [e.g. Hay]
- **Emergency Permit Issuance Process**
- **Calling Burn Days** - meteorological procedures; more than what is in current WAC
- **Burning Hours**
- **Getting Information to Growers**
- **Level Playing Field**
- **Clarify fire safety Overlap**
- **In Ag. Burning Definition** - more on what is "commercial"
- **Trees for pulping** - Is this Ag?
- **CRP - Takeout and Renovation**
- **Situations** -
  - Orchard tear-out [ pruning to wood]
  - Bank repossession of Orchard
- **Propane Flaming**
- **Wind Breaks** - Pruning? Outdoor Burning?
- **Private Irrigation Ditches**

- **Fees**-Ecology raised the issues of fees because fees had not been updated in some time.
  - Use a formula instead of the current form?
  - Task Force Issues - (most advisory committee members are also members of the Agricultural Burning Practices and Research Task Force)
    - i. Review fee structure at an upcoming Task Force Meeting?
    - ii. BMP sliding discount?
- **Delegated Authorities/Delegation** - should there be a time limit on refunds?
- **Permitting Requirements** -
  - Post Burn Reports
  - 1 week turn around for ECY to review and decide on permit questions.

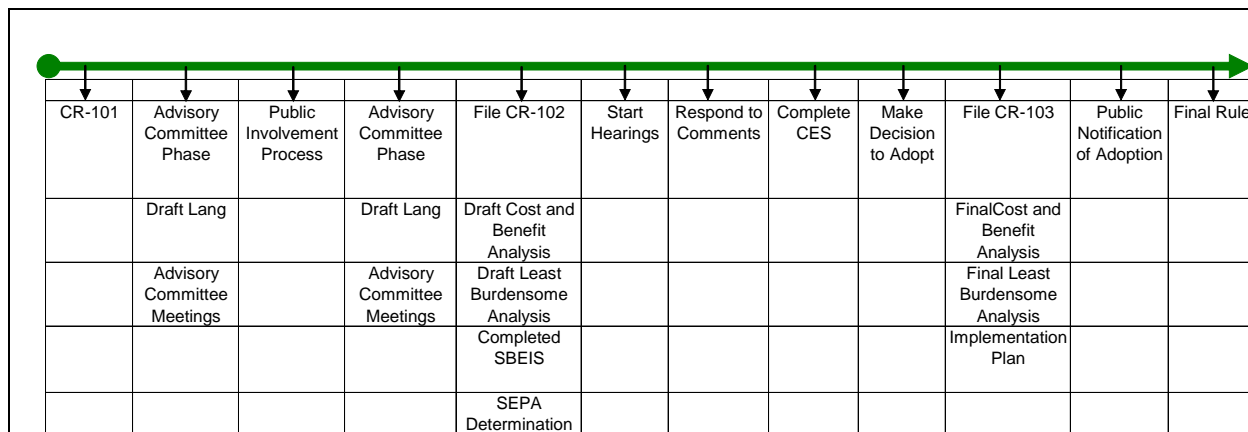
## **Rule Development Process**

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Melissa briefed the Committee on the rule development process. The primary statutes and major requirements the:

- Clean Air Act (Chapter 70.94 RCW)
  - Administrative Procedure Act (Chapter 70.94 RCW)
    1. Agency Rule agenda
    2. Forms to submit rules or changes to rules (CR101 etc)
    3. Significant Legislative Rule requirements
    4. Economic Analyses - Cost and Benefit and \*Small Business Economic Statement
    5. Justification - (Least Burdensome Analysis)
    6. Hearing(s)
    7. Comments
    8. Decision on whether to adopt
- \* Small Business Economic Impact Statement is part of the Regulatory Fairness Act- Chapter 19.85 RCW

Melissa also created a timeline to give the Committee a sense of the various rule development phases and what happens during and after the advisory committee phase.



## Future Meeting Dates

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The Committee decided on the following meeting dates and locations:

April 27, 2005            in Spokane  
 May 25, 2005            in Spokane  
 June 22, 2005            in Spokane  
 September 23, 2005    in Spokane  
 October 21, 2005        in Spokane  
 November and beyond - will check progress in September and decide at that time.

The group is divided on whether to have a working lunch or adjourn for an extended lunch. Ecology will alternate meetings with the two styles. For the April 27<sup>th</sup> meeting, the format will be an extended lunch.

## Re-Cap of Items Distributed and Requested

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Distributed: Current RCWs

Requested: Settlement Agreement (SOS and Ecology) and the Memorandum of Agreement (Washington Association of Wheat Growers, Ecology, and Department of Agriculture)

## Next Meeting

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- A facilitator has been hired and will be lending expertise - starting with the April 27 meeting.
- The Committee will begin with discussion on definitions and the applicability sections.